99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-501

DECLARING THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR THE RENO SPARKS INDIAN COLONY

MARCH 20, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 3212]

[Including the cost estimate of the Congressional Budget Office]

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The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3212) to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 10, change "1,948.38" to "1,949.39".

Page 4, after line 11, insert the following:

> Township 19 north, range 20 east, Mount Diablo baseline and meridian, Section 7, lots 13 through 18, lock D, Granata, Cafferata Subdivision, 1.002 acres, more or less, reservations, restrictions, and conditions, if any, rights-of-way and assessors either of record or existing on said premises.

Page 4, line 14 strike out "grazing permit,".

Page 5, strike out line 2 and insert in lieu thereof the following:

> Meridian, section 4, 9, and 16 comprising 1,920 acres more or less

Page 5, beginning on line 22, through page 7, line 12, strike out paragraphs (d), (e), (f) and (g) in their entirety.

Page 7, line 17, strike the comma inside the quotation mark.

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PURPOSE

The purpose of H.R. 3212, by Ms. Vucanovich, is to provide for the transfer of 1,949.39 acres of public land in Washoe County, Nevada, to be held in trust by the United States for the Reno Sparks Indian Colony.

BACKGROUND

The Reno Sparks Indian Colony was established by the Indian Appropriation Act of 1916. In 1917, a 20 acre tract was acquired for "the purpose of procuring homes and farm sites with adequate water rights and providing agricultural equipment and supplies for non-reservation Indians in the state of Nevada." This purchase was a direct result of the abolishment of certain treaties by Congress in 1871. In 1927, 8.38 additional acres were acquired. Originally established to accommodate 200 persons, the reservation must serve as land base for a tribe that has increased over 300 percent to a membership of 721. The original reservation can no longer support economic growth or development. The tribe seeks the subject lands which lie northeast of the Reno area for housing, business development, recreation and tourism, and community facilities.

COMMITTEE AMENDMENT

The Committee considered and adopted certain technical amendments relating to the legal description and acreage and clarifying the privileges relating to grazing permits and fees

SECTION-BY-SECTION ANALYSIS

SECTION 1

Subsection (a) provides that, subject to section 2, all right, title, and interest of the United States in certain lands shall be held in trust for the Reno Sparks Indian Colony as provided in subsection (b).

Subsection (b) describes 1,949.39 acres, more or less, of public lands in Hungry Valley, Washoe County, Nevada as the lands subject to transfer in subsection (a).

SECTION 2

Subsection (a) provides that, (1) unless otherwise provided, most existing rights owned by any person upon the date of transfer shall be preserved and (2) that, notwithstanding the provisions of section 402(g) of the Federal Land Policy Management Act of 1976, the Secretary of the Interior shall cancel, within 30 days of enactment, all grazing leases and permits on 1,002 acres of the subject lands.

Subsection (b) provides that, within 120 days of enactment, the Secretary shall pay to the holder of any lease or permit for lands described in subsection (a), not more than the fair market value of any improvements placed on the subject lands by the lease or permit holder.

Subsection (c) authorizes the Secretary of the Treasury to pay to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, the amount required by subsection (b).

SECTION 3

Subsection (a) amends section 415 of title 25, U.S.C., to permit the Reno Sparks Indian Colony to enter into 99 year leases on their lands.

Subsection (b) provides that section 164 of the Clean Air Act (42 U.S.C. 7474) shall apply notwithstanding section 1 of this bill. This provision is necessary to permit the tribe to have the authority to designate clean air standards.

COST AND BUDGET ACT COMPLIANCE

Enactment of H.R. 3112 will represent no additional cost to the United States as the lands are currently held by the Bureau of Land Management and rights-of-way are preserved by the bill. The cost analysis prepared by the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3212, a bill to declare that the United States holds certain lands in trust for the Reno Sparks Colony, as amended and ordered reported by the House Committee on Interior and Insular Affairs.

We estimate that enactment of this legislation would not result in any additional costs to the federal government or to state or local governments. While the bill directs the Secretary of the Interior to compensate grazing permit holders for any permanent, immovable improvements made to the lands, no such improvements are known to exist.

If you wish further detail on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

INFLATIONARY IMPACT STATEMENT

Enactment of H.R. 3212 will have no inflationary impact.

OVERSIGHT STATEMENT

No specific oversight activities were undertaken by the Committee and no recommendations were submitted to the Committee pursuant to Rule X, Clause 2(b)2.

COMMITTEE RECOMMENDATIONS

The Committee, by voice vote, recommends approval of the bill as amended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 9, 1955

(69 Stat. 539, as amended; 25 U.S.C. 415)

(a) Any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Moapa Indian Reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Burns Paiute Reservation, the Coeur d'Alene Indian Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, Yavapai-Prescott Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, leases the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington, and lands held in trust for the Las Vegas Paiute Tribe of Indians, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, *and lands held in trust for the Reno Sparks Indian Colony,* and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation, which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, educational, recreational, residential, or business purposes (except leases the initial term of which extends for more than seventy-four years) with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the

leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

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